

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Bellick, et al. Art Unit 3673
Serial No. 10/821,334
Filed April 9, 2004
Confirmation No. 9991
For SLEEPING BAG WITH VENTED FOOTBOX
Examiner Gay Spahn

February 14, 2011

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR §1.705(d)**

TO THE COMMISSIONER OF PATENTS,
SIR:

Applicant respectfully requests reconsideration of the patent term adjustment determination. Pursuant to 37 CFR §1.705(d), applicant submits the following statement of facts in support of this request for reconsideration.

According to the Patent Application Information Retrieval (PAIR) database regarding the instant application, the delay on the part of the Office is indicated as being 1447 days, and the delay on the part of applicant is indicated as being 2 days. Thus, according to PAIR the subject application is entitled to a 1445 day patent term adjustment. Applicant believes that the Office delay was incorrectly calculated, and should be **1679** days. The relevant dates for consideration follow.

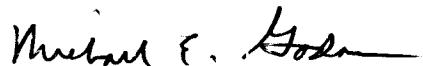
The application was filed on April 9, 2004. 35 U.S.C. §154 guarantees applicants no more than a three year application pendency. The patent issued on December 14, 2010, resulting in a type B delay of 234 days on the part of the Office calculated as the difference between the Issue date and the 3 year date after filing minus any overlap delay caused by the appeal process.

In light of the foregoing, applicant believes that the patent term adjustment should be estimated to be **1679** days calculated as the difference between a USPTO delay of **1681** days and an applicant delay of **2** days.

A terminal disclaimer was not filed in this case. Applicant notes that the application was not the subject of a Request for Continued Application under 35

U.S.C. §132(b) or an interference proceeding was not maintained in a sealed condition under 35 U.S.C. §181.

Respectfully submitted,



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